

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB285

Hearing Date: Thursday January 26, 2017
Committee On: Health and Human Services
Introducer: Linehan
One Liner: Change and eliminate provisions relating to human immunodeficiency virus testing

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Lou Ann Linehan
Robert Jones

Leslie Spry, MD
Lazaro Spindola
Shelly Nelson

Jenna Van Pelt

Eric Dunning
Elisabeth Hurst

Representing:

Introducer
Nebraska Medical Association; UNMC Student Delegates
Nebraska Medical Association
Self
Nebraska Medical Association; American Academy of Pediatrics
Nebraska Medical Association; Women's Clinic of Lincoln
Blue Cross Blue Shield
Nebraska Hospital Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB285 amends Section 71-502.03 to mandate all physicians or other persons authorized to practice obstetrics, who is attending a pregnant woman, to administer or cause to administer a human immunodeficiency viral blood test on the pregnant woman. The pregnant woman may sign a written informed consent that she does not want to be tested.

LB 285 outright repeals Section 71-531, which provides additional information regarding consent, additional explanatory information about human immunodeficiency virus, and right to remain anonymous. Section 71-531 also provides exceptions to the section.

Section by Section:

Section 1: Amends Section 71-502.03 to mandate all physicians or other person authorized to practice obstetrics who is

attending a pregnant woman to administer or cause to administer a human immunodeficiency viral blood test on a pregnant woman. The pregnant woman may sign a written informed consent that she does not want to be tested.

Section 2: Amends Section 71-506 to remove reference to Section 71-531.

Section 3: Repeals Sections 71-502.03 and 71-506.

Section 4: Repeal Section 71-531.

Explanation of amendments:

AM 423 accomplishes the following:

Strikes Section 2 and Section 4.

Section 2: Amends Section 71-531 by striking opt-in provision for human immunodeficiency virus testing. Retains section for right to remain anonymous for person seeking a human immunodeficiency virus test. Removes exception language for section 71-531. Strikes language regarding anonymous testing exception for performance by health care provider or health facility, which procures, processes, distributes or uses human body parts under the Revised Uniform Anatomical Gift Act to test for human immunodeficiency virus. Retains section for health care provider or facility to refer an individual testing positive for human immunodeficiency virus to posttest treatment. Retains and clarifies requirements for when a licensed medical personnel of the Department of Correctional Services performs a human immunodeficiency virus test to provide required notice information. The Department must refer individual an individual testing positive for human immunodeficiency virus to posttest treatment. Strikes exception requirement for home collection kits, human immunodeficiency virus test performed under Section 29-2290, human immunodeficiency virus testing under Section 71-507 through 71-513.

Merv Riepe, Chairperson